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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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ABDUL NEVAREZ, et al.,

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Plaintiffs,

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v.

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FORTY NINERS FOOTBALL COMPANY,  
LLC, et al.,

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Defendants.

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Case No. 16-cv-07013-LHK (SVK)

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Before the Court is the Parties' August 7, 2018, joint discovery letter regarding Plaintiffs' Request for Admission No. 4 ("RFA No. 4"). ECF 198. Plaintiffs seek an order compelling Defendants to amend their responses to either admit or deny RFA No. 4, which reads: "Please admit that the construction of LEVI'S STADIUM was subject to the 2010 Standards for Accessible Design adopted by the United States Department of Justice." *Id.* at 1. Each of the Defendants served identical written responses, which provide in pertinent part that:

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Responding parties also object to this request as overbroad as to the definition of LEVI'S STADIUM, and because it is vague and ambiguous. The project commenced during a period of time (September 15, 2010 through March 15, 2012) that the designer could opt to use the 1991 ADA Standards, the Uniform Federal Accessibility Standards, or 2010 ADA Standards.

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*Id.*

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Pursuant to Civil Local Rule 7-1(b), the Court finds this matter suitable for disposition without oral argument. Having considered the Parties' positions set forth in the August 7, 2018, joint discovery letter, the Court **DENIES** Plaintiffs' motion to compel Defendants to amend their responses to RFA No. 4.

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Defendants' primary objection is that RFA No. 4 is vague and ambiguous. *Id.* at 4–5. Defendants base this objection on (1) the request's use of "subject to," and (2) Defendants'

1 position that both the 1991 Standards and the 2010 Standards potentially apply to Levi's Stadium.  
2 *Id.* at 4. Plaintiffs contend that this objection, and Defendants' other arguments that RFA No. 4  
3 seeks a pure question of law, and Defendants lack sufficient information to admit or deny RFA  
4 No. 4, all lack merit. ECF 198 at 2. Plaintiffs argue that the potential applicability of multiple  
5 standards means that Defendants should have denied RFA No. 4 because "construction was not  
6 subject to any particular set of standards, including the 2010 standards." *Id.* at 2. But as currently  
7 stated, Plaintiffs' RFA No. 4 does not clarify that Defendants must make such a distinction. As a  
8 result, RFA No. 4 is vague and ambiguous in light of the fact that multiple standards may apply to  
9 Levi's Stadium.

10 Defendants' responses to RFA No. 4 reflect Defendants' position that the 2010 Standards  
11 may apply to Levi's Stadium, but not to the exclusion of the other standards. *Id.* at 4.  
12 Accordingly, Defendants' responses to RFA No. 4 are sufficient. Plaintiffs, however, remain free  
13 to serve another request that seeks an admission that the 2010 Standards were the only standards  
14 that apply to Levi's Stadium.

15 **SO ORDERED.**

16 Dated: August 17, 2018

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19 SUSAN VAN KEULEN  
20 United States Magistrate Judge  
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